

# Exhibit A

Court of Common Pleas  
Civil Cover Sheet

PHILADELPHIA

County

For Prothonotary Use Only:

Docket No:

Filed and Attested by the  
Office of Judicial Records  
27 APR 2020 04:45 pm  
A. SILIGRINI

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

## Commencement of Action:

- ☒ Complaint ☐ Writ of Summons ☐ Petition ☐ Notice of Appeal  
☐ Transfer from Another Jurisdiction ☐ Declaration of Taking

Lead Plaintiff's Name:

JOSEPH BERGER

Lead Defendant's Name:

MARRIOTT INTERNATIONAL INC

☐ Check here if you are a Self-Represented (Pro Se) Litigant

Name of Plaintiff/Appellant's Attorney:

STEVEN E WOLFE ESQUIRE

Are money damages requested? : ☒ Yes ☐ NoDollar Amount Requested: ☐ within arbitration limits  
(Check one) ☒ outside arbitration limitsIs this a *Class Action Suit*? ☐ Yes ☒ No

**Nature of the Case:** Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

**TORT** (do not include Mass Tort)

- ☐ Intentional  
☐ Malicious Prosecution  
☐ Motor Vehicle  
☐ Nuisance  
☒ Premises Liability  
☐ Product Liability (does not include mass tort)  
☐ Slander/Libel/ Defamation  
☐ Other: \_\_\_\_\_

**MASS TORT**

- ☐ Asbestos  
☐ Tobacco  
☐ Toxic Tort - DES  
☐ Toxic Tort - Implant  
☐ Toxic Waste  
☐ Other: \_\_\_\_\_

**PROFESSIONAL LIABILITY**

- ☐ Dental  
☐ Legal  
☐ Medical  
☐ Other Professional: \_\_\_\_\_

**CONTRACT** (do not include Judgments)

- ☐ Buyer Plaintiff  
☐ Debt Collection: Credit Card  
☐ Debt Collection: Other \_\_\_\_\_  
☐ Employment Dispute: Discrimination  
☐ Employment Dispute: Other \_\_\_\_\_  
☐ Other: \_\_\_\_\_

**REAL PROPERTY**

- ☐ Ejectment  
☐ Eminent Domain/Condemnation  
☐ Ground Rent  
☐ Landlord/Tenant Dispute  
☐ Mortgage Foreclosure  
☐ Partition  
☐ Quiet Title  
☐ Other: \_\_\_\_\_

**CIVIL APPEALS**

- Administrative Agencies  
☐ Board of Assessment  
☐ Board of Elections  
☐ Dept. of Transportation  
☐ Zoning Board  
☐ Statutory Appeal: Other \_\_\_\_\_

## Judicial Appeals

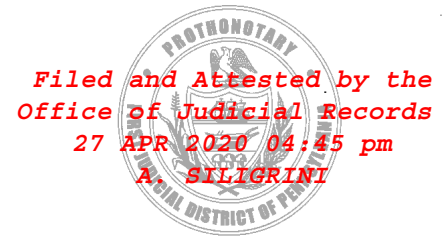
- ☐ MDJ - Landlord/Tenant  
☐ MDJ - Money Judgment  
☐ Other: \_\_\_\_\_

**MISCELLANEOUS**

- ☐ Common Law/Statutory Arbitration  
☐ Declaratory Judgment  
☐ Mandamus  
☐ Non-Domestic Relations  
☐ Restraining Order  
☐ Quo Warranto  
☐ Replevin  
☐ Other: \_\_\_\_\_

Steven E. Wolfe, Esquire  
steve@wolfelawoffice.com  
Attorney ID #30168  
Steven E. Wolfe, Attorney and Counsellor at Law  
295 Buck Road, Suite 202  
Holland, Pennsylvania 18966  
Telephone 215.364.4450

Attorney for Plaintiff



JOSEPH BERGER	:	PHILADELPHIA COURT OF COMMON PLEAS
3001 Route 130	:	
Delran, NJ 08075	:	
	:	
VS.	:	NO.
	:	
MARRIOTT INTERNATIONAL, INC.	:	
10400 Fernwood Road	:	
Bethesda, MD 20817	:	TRIAL BY JURY OF 12 DEMANDED

**NOTICE**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

PHILADELPHIA BAR ASSOCIATION  
LAWYER REFERRAL AND INFORMATION SERVICE  
One Reading Center  
Philadelphia, PA 19107  
Telephone: (215) 238-1701

**AVISO**

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días, de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparecencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas a sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero a sus propiedades u otros derechos importantes para usted. LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELÉFONO A LA OFICINA CUYA DIRECCIÓN SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

ASOCIACIÓN DE LICENCIADOS DE FILADELFIA  
SERVICIO DE REFERENCIA E INFORMACIÓN LEGAL  
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Attorney for Plaintiff

JOSEPH BERGER	:	PHILADELPHIA COURT OF COMMON PLEAS
3001 Route 130	:	
Delran, NJ 08075	:	
	:	
VS.	:	NO.
	:	
MARRIOTT INTERNATIONAL, INC.	:	
10400 Fernwood Road	:	
Bethesda, MD 20817	:	TRIAL BY JURY OF 12 DEMANDED

**COMPLAINT**

1. Plaintiff Joseph Berger lives at 3001 Route 130, Delran, NJ.
2. Defendant Marriott International, Inc. is a corporation with its principal place of business at 10400 Fernwood Road, Bethesda, MD, and which regularly does business at multiple hotel, lodging, and hospitality locations within the City of Philadelphia.
3. At all relevant times defendant acted by and through its authorized agents, servants, workmen, employees, and representatives, each of whom acted at its direction, and by and with its express and/or implied permission, consent, authority, knowledge, and approval.
4. At all relevant times defendant was in the business of owning and/or operating, managing, directing and/or controlling the operations of hotels, lodging, and hospitality properties and facilities throughout the United States and internationally.
5. At all relevant times defendant owned, operated, managed, directed and/or controlled all or substantial aspects of the business operations of the Portland Marriott Downtown Waterfront Hotel, 1401 SW Naito Parkway, Portland, Oregon.

6. At all relevant times defendant, by and through its authorized agents, servants, workmen, employees, and representatives, was responsible for establishing and maintaining the structural integrity, structural safety, ergonomic safety, and general safety features of the guest room bath facilities and fixtures within its Portland Marriott Downtown Waterfront Hotel; and for establishing, implementing, and enforcing policies and procedures for the inspection, maintenance, care, and repair of the bath facilities and fixtures within the guest rooms of its Portland Marriott Downtown Waterfront Hotel, all for the benefit of its customers, visitors, and business invitees paying to stay in its hotel.

7. On or about November 3, 2018 plaintiff was a business invitee of defendant, having paid to stay in room 512 at defendant's Portland Marriott Downtown Waterfront Hotel.

8. On or about November 3, 2018 at 6:30 p.m., due to defendant's carelessness and negligence as set forth hereinafter, plaintiff fell in the bathtub of defendant's guest room 512, thereby suffering the injuries and damages set forth below.

9. The defendant's carelessness and negligence consisted of, but was not necessarily limited to, the following acts and omissions in the construction, inspection, care, maintenance, and repair of the bath facilities in guest room 512 at its Portland Marriott Downtown Waterfront Hotel :

- a. Failing to maintain the surfaces of the bathtub in a safe condition;
- b. Causing and/or allowing dangerous conditions, of which it knew and/or should have known, to exist in, on and about the surfaces of the bathtub;
- c. Failing to install and maintain slip/fall prevention and/or slip/fall mitigation fixtures and materials in the bathtub;
- d. Failing to install grab bars in the bathtub;
- e. Failing to properly and securely affix the shower curtain rods to the bathroom walls;
- f. Failing to provide anti slip/fall and/or slip/fall mitigation mats for the bathtub;

- g. Failing to inspect and remediate dangerous conditions which it knew and/or should have known existed in, on and about the surfaces of the bathtub;
- h. Failing to warn its business invitees of dangerous conditions of which it knew and/or should have known in, on, and about the surfaces of the bathtub;
- i. Failing to warn its business invitees that the bathtub lacked slip/fall prevention and/or slip/fall mitigation fixtures or materials;
- j. Failing to warn its business invitees that the bathtub shower curtain rods were not properly or securely affixed to the walls;
- k. Failing to inspect and remediate bathtub shower curtain rods that were not properly or securely affixed to the walls;
- l. Failing to develop and enforce appropriate inspection, maintenance, care, and repair procedures for its guest room bath facilities and fixtures;
- m. Failing to fully train its agents, servants, workmen, employees, and representatives in the effective implementation of inspection, maintenance, care, and repair procedures for its guest room bath facilities and fixtures;
- n. Being careless and negligent as a matter of law in the construction, inspection, care, maintenance, and repair of its guest room bathtub, bathtub surfaces, and related bath fixtures.

10. As a result of defendant's carelessness and negligence plaintiff suffered severe injuries and damages including, but not necessarily limited to multiple bodily trauma, bruises, contusions and abrasions; thoracic strains/sprains; lumbosacral strains/sprains; pelvic strains/sprains; lumbosacral disc displacement and radiculopathy requiring injections; left knee trauma; left knee lateral meniscus tear requiring surgical repair; scalp contusions; post-traumatic stress disorders; aggravation of existing gastrointestinal disorders; and shock to the body, nerves, and nervous system.

11. As a result of defendant's carelessness and negligence plaintiff has been obliged, and may in the future be obliged to spend money to treat his injuries.

12. As a result of defendant's carelessness and negligence plaintiff has suffered, and may in the future suffer mental, physical, emotional, and psychological pain, distress and suffering.

13. As a result of defendant's carelessness and negligence plaintiff has been prevented, and may in the future be prevented from performing his daily activities.

14. As a result of defendant's carelessness and negligence plaintiff has suffered, and may continue to suffer losses of life's pleasures.

15. As a result of defendant's carelessness and negligence plaintiff has suffered serious impairments of bodily function.

16. As a result of defendant's carelessness and negligence plaintiff has suffered embarrassment and humiliation.

17. As a result of defendant's carelessness and negligence plaintiff has suffered cosmetic disfigurement.

WHEREFORE, plaintiff Joseph Berger seeks judgment against the defendant in an amount exceeding Fifty Thousand Dollars (\$50,000.00), plus interest and costs of suit.

BY:

A handwritten signature in black ink, appearing to read "STEVEN E. WOLFE", written over a horizontal line.

STEVEN E. WOLFE  
ATTORNEY FOR PLAINTIFF

**VERIFICATION**

I, JOSEPH BERGER, verify that the statements made in the foregoing COMPLAINT are true and correct to the best of my knowledge, information, and belief.

I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsifications to authorities.

DATE: 3-25-2020

  
JOSEPH BERGER